

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANCISCO EMETERIO,
*on behalf of himself, FLSA Collective Plaintiffs, and the
Class,*

Plaintiff,

v.

Case No. 20-cv-00970

A & P RESTAURANT CORP.
d/b/a REMEDY DINER,
MODERN HOSPITALITY GROUP CORP.
d/b/a JAX INN DINER,
ANASTASIOS GIANNOPOULOS,
and PETER GIANNOPOULOS,

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING WAGES**

Defendants.

Please read this notice if you are a former or current non-exempt employee (including but not limited to, a line cook, cook, food preparer, stock person, counterperson, porter, dishwasher, food runner, delivery person, busboy, or server) with A & P RESTAURANT CORP. d/b/a REMEDY DINER or MODERN HOSPITALITY GROUP CORP. d/b/a JAX INN DINER at any time between February 7, 2014 and the present.

Former employee FRANCISCO EMETERIO (“Plaintiff”) has sued A & P RESTAURANT CORP. d/b/a REMEDY DINER, MODERN HOSPITALITY GROUP CORP. d/b/a JAX INN DINER, ANASTASIOS GIANNOPOULOS, and PETER GIANNOPOULOS (“Defendants”), seeking back wages for (1) unpaid overtime, (2) unpaid wages due to time-shaving, (3) liquidated damages and (4) attorneys’ fees and costs, in violation of the federal Fair Labor Standards Act (“FLSA”).¹ Defendants deny any wrongdoing and claim that they paid employees the proper compensation for all hours worked, in accordance with the FLSA.

The purpose of this Notice is to advise you of your right to participate in this lawsuit under the FLSA. It has not been decided who is right and who is wrong, but the Court is giving the opportunity to employees who might have been affected by the alleged violations to join this collective action lawsuit.

YOUR LEGAL RIGHTS

If you worked for Defendants at any time between February 7, 2014 and the present, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. The right to participate may be subject to a court decision that you are similarly situated to Plaintiff. It is your right to join or not to join this lawsuit. If you decide to join this lawsuit, it is

¹ The lawsuit also includes class action claims under the New York Labor Law (“NYLL”) for unpaid overtime compensation, unpaid wages due to time-shaving, unpaid spread of hours premium, improper meal credit deductions, statutory penalties, liquidated damages and attorneys’ fees and costs. This Notice applies only to the FLSA claim, not to the class action claim brought under the NYLL.

illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable to Plaintiff. Plaintiff may obtain nothing by virtue of the lawsuit.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before [60 days from the date notice is sent out]:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation, and the statute of limitations under the NYLL is six years from the date of the violation.

THE LAWYERS REPRESENTING PLAINTIFF

If you join this lawsuit and agree to be represented by Plaintiff through his attorneys, you will be represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If Plaintiff wins a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award it its reasonable lodestar or up to one-third of the monetary recovery, whichever is greater. You are not required to have Lee Litigation Group, PLLC represent you. If you want your own attorney to represent you in this lawsuit, arrangements would have to be made for that attorney's fees and expenses, and the arrangements could be the same as Lee Litigation Group, PLLC.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C.K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, NY, October __, 2020

"CONSENT TO SUE" FORM

**UNITED STATES DISTRICT COURT
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d/b/a REMEDY DINER,
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ANASTASIOS GIANNOPOULOS,
and PETER GIANNOPOULOS,

Defendants.

If you are or were employed by A & P RESTAURANT CORP. d/b/a REMEDY DINER located at 245 E. Houston Street, New York, New York 10018, or MODERN HOSPITALITY GROUP CORP. d/b/a JAX INN DINER located at 72-12 Northern Blvd., Jackson Heights, New York 11372 at any time between February 7, 2014 and the present, complete and mail this Consent Form by [60 days from the date of notice] to:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Plaintiff or his counsel Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security No.: _____

E-mail Address: _____

SIGNATURE: _____ Date: _____